

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM
POWER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

No. 3:16-md-02738-MAS-RLS

**DECLARATION OF MATTHEW BUSH IN SUPPORT OF DEFENDANTS'
MOTION OBJECTING TO THE SPECIAL MASTER'S ORDER DENYING
DEFENDANTS' MOTION TO COMPEL INSPECTION OF DR. WILLIAM
LONGO'S LABORATORY**

I, Matthew Bush, declare as follows:

I am an attorney and a partner with the law firm King & Spalding LLP, counsel for Defendants Johnson & Johnson and LLT Management, LLC (hereafter, "Defendants") in the above-captioned matter. The facts stated in this Declaration are true of my own personal knowledge. I submit this Declaration in Support of Defendants' Motion Objecting to the Special Master's Order Denying Defendants' Motion to Compel Inspection of Dr. William Longo's Laboratory.

1. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of Dr. William Longo's deposition on February 7, 2019, in *Leavitt v. Johnson & Johnson, et al.*, No RG17882401 (Super. Ct. Ca., Alameda Cnty.).

2. Attached hereto as **Exhibit B** is a true and correct copy of Judge Jim D. Lovett's Order Relating to Garlock Inc's Motion to Suppress Testimony of Dr. William Longo and Mr. Hatfield, issued on July 5, 2001 in the matter entitled *In Re: Lamar County Asbestos Litigation Cases Filed or To be Filed by Waters & Kraus in Lamar County, Texas* (Case ID: 100200548).

3. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of trial proceedings from September 4, 2019, in *Cabibi v. Johnson & Johnson*, et al., No. BC665257, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

4. Attached hereto as **Exhibit D** is a true and correct copy of an excerpt of trial proceedings from March 5, 2019, in *Rimondi v. BASF Catalysts*, et al., No. MID-2912-17AS (N.J. Super. Ct., Middlesex Cnty.).

5. Attached hereto as **Exhibit E** is a true and correct copy of an excerpt of Dr. William Longo's deposition on January 25, 2019, in *Young v. Johnson & Johnson et al.*, No. 1522-CC09728-02 (M.O Cir. Ct., St. Louis).

6. Attached hereto as **Exhibit F** is a true and correct copy of an excerpt of Dr. William Longo's deposition on February 8, 2021, in *Forrest v. Johnson & Johnson. et al.*, No. 1522-CC00419-02 (M.O Cir. Ct., St. Louis).

7. Attached hereto as **Exhibit G** is a true and correct copy of an excerpt of Dr. William Longo's deposition on November 3, 2023, in *Eagles v. Arvinmeritor, Inc., et al.*, No. 22CV018294 (Super. Ct. Ca., Alameda Cnty.).

8. Attached hereto as **Exhibit H** is a true and correct copy of an excerpt of Lee Poye's deposition on September 25, 2020, in *McNeal v. Autozone, Inc., et al.*, Case No. BC698965 (Super. Ct. Ca., L.A. Cnty.).

9. Attached hereto as **Exhibit I** is a true and correct copy of the International Organization for Standardization Standard entitled ISO 22262-1 Air Quality – Bulk Materials – Part 1: Sampling and qualitative determination of asbestos in commercial bulk materials dated July 1, 2012.

10. Attached hereto as **Exhibit J** is a true and correct copy of an excerpt of Dr. William Longo's deposition on October 23, 2023, in *Eagles v. Arvinmeritor, Inc., et al.*, No. 22CV018294 (Super. Ct. Ca., Alameda Cnty.).

11. Attached hereto as **Exhibit K** is a true and correct copy of Dr. William Longo's report issued on February 28, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759, (Super. Ct. Ca., Alameda Cnty.).

12. Attached hereto as **Exhibit L** is a true and correct copy of an excerpt of Dr. William Longo's deposition on March 3, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

13. Attached hereto as **Exhibit L.1** is a true and correct video excerpt of Dr. William Longo's deposition on March 3, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.), which was lodged with this Court on May 22, 2024 as an exhibit to Defendants' Motion to

Compel Inspection of Dr. William Longo's Laboratory, filed in this case on May 21, 2024 (Dkt. 32227).

14. Attached as **Exhibit M** is a true and correct copy of the Updated Notice of Oral and Videotaped Deposition of Dr. William Longo Ph.D. Duces Tecum, Notice to Preserve and Notice of Inspection served in this case on April 18, 2024.

15. Attached as **Exhibit N** is a true and correct copy of Plaintiff's Steering Committee's Responses and Objections to the Updated Notice of Oral and Videotaped Deposition of Dr. Longo served in this case on May 1, 2024.

16. Attached hereto as **Exhibit O** is a true and correct copy of an excerpt of Dr. William Longo's deposition on November 5, 2018, *Kerkhof, et al., v. Brenntag North America In., et al.*, NO. 439392-V (G.A. Cir. Ct., Montgomery County).

17. Attached hereto as **Exhibit P** is a true and correct copy of an excerpt of Dr. William Longo's deposition on April 2, 2024, in *Clark v. Johnson & Johnson, et al.*, et al., No.MID-2912-17AS (N.J. Super. Ct., Middlesex Cnty.).

18. Attached hereto as **Exhibit Q** is a true and correct copy of an excerpt of a transcript of a case management conference on March 15, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

19. Attached hereto as **Exhibit R** is a true and correct copy of correspondence dated March 9, 2023, from Defendants' counsel to Plaintiff's counsel regarding Dr. Longo in the matter *Hernandez Valadez v. Johnson & Johnson, et al.*, No. 22CVO12759 (Super. Ct. Ca., Alameda Cnty.).

20. Attached hereto as **Exhibit S** is a true and correct copy of an excerpt of a transcript of a case management conference on March 23, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

21. Attached hereto as **Exhibit T** is a true and correct copy of an excerpt of Dr. William Longo's deposition on July 23, 2019, in *Hayes v. Colgate-Palmolive Co., et al.*, No. 16-CI-03503 (Ky. Cir. Ct., Jefferson Cnty.).

22. Attached hereto as **Exhibit U** is a true and correct copy of a demonstrative prepared by counsel for Defendants, which was submitted as part of Defendants' Opposition to the Plaintiff Steering Committee's Motion to Quash or for Protective Order Regarding Subpoena Directed at Paul Hess, filed in this case on June 3, 2024 (Dkt. 32683).

23. Attached hereto as **Exhibit V** is a true and correct copy of an excerpt of Dr. William Longo's deposition on May 2, 2024, in this case.

24. Attached hereto as **Exhibit W** is a true and correct copy of an excerpt of trial proceedings from August 24, 2018, in *Weirick, et al., v. Brenntag North America, Inc.*, et al, No. BC656425, No. JCCP 4674 (Super. Ct. Ca., L.A. Cnty.).

25. Attached hereto as **Exhibit X** is a true and correct copy of an excerpt of Dr. William Longo's deposition on September 17, 2021, in *Bonnem v. Walgreen, Co., et al.*, No. 20L012414 (Cir. Ct. Ill., Cook Cnty.).

26. Attached hereto as **Exhibit Y** is a true and correct copy of an excerpt of trial proceedings from July 7, 2021, in *Prudencio v. Johnson & Johnson, et al.*, No. RG20061303, (Super. Ct. Ca., Alameda Cnty.).

27. Attached hereto as **Exhibit Z** is a true and correct copy of Dr. Shu-Chun Su's report dated May 21, 2024, issued in this case.

28. Attached hereto as **Exhibit AA** is a true and correct copy of a report issued by Dr. Steven Compton on September 24, 2020, titled "Investigation of Chanel/Brenntag Specialties Supra H USP (Chinese) Talc Samples for Asbestos."

29. Attached hereto as **Exhibit AB** is a true and correct copy of a report issued by Dr. William Longo on October 8, 2020, titled "MAS Project #M71179 Chanel Supra H Retains."

30. Attached hereto as **Exhibit AC** is a true and correct copy of Dr. William Longo's Second Supplemental Report dated February 1, 2019, issued in the above-captioned case.

31. Attached hereto as **Exhibit AD** is a true and correct copy of an excerpt of the transcript of Day 1 of the Rule 104 hearing regarding Dr. William Longo on May 29, 2024, in *Clark et al. v. Johnson & Johnson, et al.*, No. MID-L-003809-18AS (N.J. Super. Ct., Middlesex Cnty.).

32. Attached hereto as **Exhibit AE** is a true and correct copy of an excerpt of the transcript of Day 2 of the Rule 104 hearing regarding Dr. William Longo on May 30, 2024, in *Clark et al. v. Johnson & Johnson, et al.*, No. MID-L-003809-18AS (N.J. Super. Ct., Middlesex Cnty.).

33. Attached hereto as **Exhibit AF** is a true and correct copy of a report issued by Dr. Su-Chun Su on January 30, 2022, titled “Talc Misidentified as Chrysotile – A review of MAS 71134 & M71376 Talcum Powder Analysis of Gold Bond Medicated Powder.”

34. Attached hereto as **Exhibit AG** is a true and correct copy of an excerpt of Dr. William Longo’s deposition on May 16, 2023, in *Streck v. Johnson & Johnson, et al.*, No. 21-CI-06290 (Ky. Cir. Ct., Jefferson Cnty.).

35. Attached hereto as **Exhibit AH** is a true and correct copy of an excerpt of Dr. William Longo’s deposition on May 30, 2023, in *Zundel v. Amerilure, Inc., et al.*, No. 22-2145 (Ma. Super. Ct., Middlesex Cnty.).

36. Attached hereto as **Exhibit AI** is a true and correct copy of an excerpt of Dr. William Longo's deposition on September 1, 2023, in *Cardillo v. American International Industries, et al.*, No. 190199/2020 (N.Y. Supreme Ct., N.Y. Cnty.).

37. Attached hereto as **Exhibit AJ** is a true and correct copy of a February 2023 chart entitled "Summary of MAS testing results of talc from Italy, Vermont, Montana, Brazil and China."

38. Attached hereto as **Exhibit AK** is a true and correct copy of a demonstrative prepared by Defendants, which matches Dr. William Longo's deposition testimony on March 3, 2023, in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.), with the corresponding image displayed on-screen.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 1, 2024



Matthew Bush